



**CALIFORNIA DEPARTMENT OF BUSINESS OVERSIGHT
POLICY GOVERNING CITIZEN COMPLAINTS AGAINST PEACE OFFICERS**

Purpose

This form is to allow you the opportunity to submit a complaint about a peace officer employed by the Department of Business Oversight (DBO). You have the right to make a complaint against a peace officer employed by the DBO. Penal Code section 832.5 requires the DBO to have a procedure to investigate citizen complaints, and retain these complaints for at least five (5) years.

Complaint Process

How to Submit a Complaint: Complete the form either online or print and return by mail. Send your completed form to DBOPeaceOfficerComplaint@dbo.ca.gov or if sending in by mail send to: California Department of Business Oversight, Attn.: Deputy Commissioner of Enforcement Division, 1515 K Street, Suite 200, Sacramento, California 95814. Once the complaint is received you may be contacted for further information.

Please include the following information in your complaint:

The date, time and exact location of the incident. The peace officer's name and physical description. Witnesses' names, addresses and telephone numbers. License numbers for any vehicles involved in the incident. Any other evidence you feel may be important such as copies of citations, photographs, and medical records. If you have injuries include their nature and extent. If you are injured it is vitally important that you file your complaint as soon as possible so that photographs can be taken and medical records obtained quickly. Pursuant to 832.7(b) when you file your complaint, you should receive a copy of it regardless of how it is filed.

The Investigation Process

The complaint will be investigated by a trained investigator. The investigation may include interviews of witnesses and peace officers, a review of department records, policies and procedures, inspection of medical records and photographs, and legal analysis. Once the complaint investigation is completed it will be reviewed by a team of supervisors to ensure accuracy and consistency.

Preliminary disposition letters will be sent to both the complainant and the peace officer(s). The complainant and peace officers have the right to make an appointment with the investigator to review the procedures followed in the investigation. If the complainant or the peace officer disputes the preliminary disposition they will have ten (10) days to request a hearing in writing. The Commissioner will review your request and notify you by mail whether your request has been granted. If it has, you will also be advised of the date and time of the hearing. If no hearing is requested within ten (10) days the disposition will be made final and pursuant to Penal Code section 832.7(e) (1) the DBO will provide the complainant and the peace officer written notification of the disposition of the complaint within 30 days of the disposition.

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Review Hearing Process

Review Hearings are held following the conclusion of the DBO investigation at the request of the complainant or of the officer or when, in the opinion of the Commissioner, a hearing would facilitate the fact finding process. Hearings have been structured to be as non-adversarial as possible. The legal, technical rules of evidence do not apply; there is no direct or cross examination of witnesses unless all parties agree otherwise.

The hearing is not a court of law or a substitute for a court. The Investigative Hearing Officer, who is not a member of our staff, and who has had no previous contact with your case, will decide only the facts of your case. The facts are then applied to Departmental rules and procedures, by the Commissioner, who will decide whether to sustain the allegations contained in your complaint.

At The Hearing

It is important that you attend the hearing, even if you did not request it. Your absence may cause evidence not to be considered which could alter the outcome.

If you need an interpreter, one can be provided for you at no charge if you advise the Hearing Coordinator as soon as possible before your hearing date.

Both complainants and officers have the right to have a representative present during all parts of the hearing. Representatives are not mandatory, but you are encouraged to bring one. Your representative may be a friend, family member, an attorney or anyone else who is not a witness in your case.

Should you want a representative, you must get your own.